

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL PAUL MOREY,

Plaintiff,

v.

Case No. 07-10747
Honorable Patrick J. Duggan

JOHN RUBITSCHUN, ET AL.,

Defendants.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on March 25, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Plaintiff, a prisoner in the custody of the Michigan Department of Corrections, filed this *pro se* action pursuant to 42 U.S.C. § 1983 on March 1, 2007. In his complaint, Plaintiff contends that the Michigan Parole Board has failed to follow Michigan constitutional provisions, statutes, regulations, and administrative rules in the consideration of his parole, resulting in the denial of his Fourteenth Amendment right to due process. Plaintiff also contends that changes to Michigan parole laws following his sentencing violate the Ex Post Facto Clause. Plaintiff has filed a motion for summary judgment and Defendants have filed a motion to dismiss or for summary judgment, which this Court referred to Magistrate Judge R. Steven Whalen for a report and

recommendation.

On February 20, 2008, Magistrate Judge Whalen issued his Report and Recommendation (“R&R”) in which he recommends that this Court deny Plaintiff’s motion for summary judgment and grant Defendants’ motion to dismiss or for summary judgment. At the conclusion of the R&R, Magistrate Judge Whalen advises the parties that they may object and seek review of the R&R within ten days of service upon them. (R&R at 10.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.*, citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen.

Accordingly,

IT IS ORDERED, that Plaintiff’s motion for summary judgment is **DENIED**;

IT IS FURTHER ORDERED, that Defendants’ motion to dismiss or for summary judgment is **GRANTED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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8201 N. Croswell Road
St. Louis, MI 48880

AAG Charles C. Schettler, Jr.

Magistrate Judge R. Steven Whalen